

**To:** Gray, David[gray.david@epa.gov]; Zito, Kelly[ZITO.KELLY@EPA.GOV]  
**Cc:** Faulk, Libby[Faulk.Libby@epa.gov]; Peterson, Cynthia[Peterson.Cynthia@epa.gov]; Smith, Paula[Smith.Paula@epa.gov]  
**From:** Russo, Rebecca  
**Sent:** Mon 8/10/2015 12:16:23 AM  
**Subject:** RE: Gold King Mine spill - CLAIMS Process Released

David,

Before you send out information, please coordinate these releases to Congressionals with me and Region 9, so we're coordinating the information we send out and one Congressional delegation isn't getting information another isn't. Everything needs to go through Incident Command before it goes out to Congressionals.

Thanks,

Rebecca

Rebecca A. Russo

Region 8 Congressional and Intergovernmental Liaison

Office: 303-312-6757

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**From:** Gray, David  
**Sent:** Sunday, August 09, 2015 6:06 PM  
**To:** Collins, Michael (Tom Udall; Ortizwertheim, Bianca (Tom Udall; Allen, Beverly (Tom Udall; Jacquez-Ortiz, Michele (Tom Udall; Curley, Calvert (Tom Udall; Sedillo, Anthony (Tom Udall; Talhelm, Jennifer (Tom Udall; Black, Jonathan (Tom Udall; maya\_hermann@heinrich.senate.gov; jim\_dumont@heinrich.senate.gov; michael\_sullivan@heinrich.senate.gov; Katie\_richardson@heinrich.senate.gov; Angela Ramirez; Stoddard, Andrew; Mason, Graham; sisy.garcia@mail.house.gov; Jennifer Catechis; pete.Valencia@mail.house.gov; brian.lee@mail.house.gov; Jude McCartin  
**Cc:** Distefano, Nichole; Russo, Rebecca  
**Subject:** RE: Gold King Mine spill - CLAIMS Process Released

A process exists for compensating citizens who suffer personal injury or property damage caused by US government actions. The process is available in EPA's regulations at 40 CFR Part 10, and includes guidance on documentation that may be required to support claims for loss of employment and loss of income, among other claims.

Claims for monetary compensation may be filed by submitting a Standard Form 95 specifying the nature

of the loss suffered and the EPA actions, if known, causing the loss or damage to property, to either of the following contacts:

Richard Feldman  
Claims Officer  
U.S. EPA Office of General Counsel  
1200 Pennsylvania Avenue, NW (MC 2399A)  
Washington, D.C. 20460

Michael Nelson  
U.S. EPA Region 8 Office of Regional Counsel  
1595 Wynkoop Street (MC 8RC)  
Denver, CO 80202

Alternatively, claimants may submit signed electronic versions of Standard Form 95 to EPA for the Gold King Mine Release via e-mail at [R8\\_GKM\\_Claims@epa.gov](mailto:R8_GKM_Claims@epa.gov) beginning Tuesday, August 11, 2012.

The fillable PDF version of Standard Form 95 is available in the documents section of this website or via the link below:

<http://www.epaossc.org/sites/11082/files/StandardForm95.pdf>

Standard Form 95 is used to present claims against the United States under the Federal Tort Claims Act (FTCA) for property damage, personal injury, or death allegedly caused by a federal employee's negligence or wrongful act or omission occurring within the scope of the employee's federal employment.

Standard Form 95 is not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim. Please note that a completed form must state a claim for money damages in a "sum certain" amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property. In addition, if a sum certain is not specified in Standard Form 95 block 12d, or in accompanying information, a submission cannot be considered a valid presentation of a claim.

Although EPA's regulations state that the EPA has 6 months to resolve a claim, the Agency will make every effort to respond to Gold King Mine spill claims as soon as possible. Claims must be presented to the EPA within two years after the claim accrues.